

Chronological Summary of Site Plan and Administrative Appeal Timeline

Prepared by the Durham City-County Planning Department

1. Original site plan application was made in December, 2007. Review comments were issued on-time in January, 2008; and
2. A revised site plan and response to comments was submitted back to the Department in February, 2008. Re-review comments were issued on-time in March, 2008; and
3. A revised site plan and response to comments was submitted back to the Department in May, 2008. Re-review comments were issued in May, 2008.; and
4. Outstanding comments on the site plan were still pending in October when an adjacent property owner filed an appeal of an administrative decision (on October 16th, 2008 – appeal case was assigned case B0800032) that affected this property; and
5. The UDO precludes site plan approval while an appeal is pending; and
6. The appeal was tentatively scheduled for the December 3rd, 2008 Board of Adjustment (BOA), meeting, but the appeal applicant (NOTE: This is NOT the same party as the site plan applicant) requested to reschedule and was informed the next meeting would be January 27, 2009; and
7. Applicant requested to reschedule from the January 27, 2009 meeting due to a court conflict and indicated the next BOA meeting, February 24, 2009. This request was granted by the Planning Director, as is routinely done when a credible conflict involving court dates by a participating attorney is alleged; and
8. Planning Director informed applicant that he could not attend the February 24, 2009 meeting since he would be out-of-state at the time and could not re-schedule, and thus offered to schedule a special session of the BOA at the earliest time possible, which was March 5, 2009 (9 days following the regularly scheduled meeting date). Appeal was heard on March 5, 2009 and the BOA upheld the Planning Director's determination; and
9. The site plan applicant (ie: appellant of the impact fee in this matter) resubmitted the site plan with applicant-generated design changes pertaining to the proposed alternative sidewalk location in late March, 2009. On time re-review comments were issued on April 13, 2009.; and
10. A revised site plan and response to comments was submitted back to the Department on May 8, 2009. On-time re-review comments were issued on May 15, 2009.; and
11. The site plan was required to be approved by the Development Review Board, which met and approved the plan on June 19, 2009.

Note: The applicant had 11 calendar days to pull building permits and avoid the increased impact fees.